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1914

— The office of —  
**Public Defender**



Letters from Walton J. Wood, Public  
Defender, to Bar Associations of  
New York and Milwaukee

Comments of the District Attorney,  
Judges and the Press of Los Angeles

Los Angeles County Charter Provisions





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# THE OFFICE OF PUBLIC DEFENDER

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352.9  
W850  
1914

OFFICE OF  
**THE PUBLIC DEFENDER**  
**LOS ANGELES COUNTY**

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Los Angeles, Cal., June 3, 1914.

Terence J. McManus, Esq.,  
Secretary Committee on Criminal Procedure,  
New York County Lawyers' Association,  
New York, N. Y.

Dear Sir:

So many calls have come to my office for the pamphlet which we recently published concerning the work of the public defender that the original edition has been exhausted. In order to comply with the request of your committee for thirty copies of the pamphlet it has been necessary to prepare a second edition. I am very glad that the Lawyers' Association of New York has taken up this matter and I will be pleased to furnish any further information available.

It has occurred to me that a possible objection might be raised by some who might think that the public defender is a counterpart of the district attorney and would naturally endeavor to undo the work of the prosecuting officer. This, however, is far from the true conception of the office. In considering this matter great emphasis should be placed upon the fact that the public defender is not the reverse of the district attorney. It is not his duty to undermine the work of the prosecutor, nor to secure acquittals regardless of the merits of the case. It is his duty, however, to bring out the facts and the law in favor of the accused. Wherever the defendant is not able to employ his own attorney the office of the public defender is the proper means of investigating the facts in his behalf and presenting them to the court. The work of the public defender is not experimental. Constitutions and state laws have long guaranteed to accused



persons an ample defense and a qualified attorney to represent them. In many states a small fee is allowed by statute to the attorney appointed by the court. In other states, California among them, no fee whatever is provided by law for the attorney and no means whatever provided for defraying the expenses of preparing the defense. [The creation of the office of public defender simply puts on a reasonable and efficient basis the defense which the law has always pretended to safeguard.]

In Los Angeles the district attorney and the public defender are working harmoniously together. We are doing what the district attorney tried to do in many cases but which, on account of conditions which could not be overcome, he was unable to do. [We are daily advising the accused of their rights. We are informing them of the law covering the crime of which they may be charged. We are listening to their side of the story and are bringing out whatever points there may be in favor of the defendants, at the same time doing nothing to hamper or delay the administration of justice. Many of our clients come by recommendation from the office of the district attorney, others come from officials at the county jail and others at the request of the judges.]

As an example of the co-operation of the District Attorney and the Public Defender I might cite the case of Frank Walden, who is now awaiting trial on a charge of murder. The only possible defense for Walden is insanity and there is a serious doubt as to his mental condition. It has been the universal custom in cases of this kind for each side to employ alienists, and it is well known that in very many cases alienists are employed who are known to be prone to favor the side that employs them. The District Attorney and the Public Defender in this case have united in asking the court to appoint three able alienists who will serve as the only expert witnesses in the case. This marks a new step in the administration of justice, at least in this part of the country. We are taking the best method of arriving at the truth.

I call attention to the statement in the letter of Judge Willis that our office "has been a great saving to the county in the matter of expense." This is a very remarkable statement, yet I believe it is absolutely true. We have had a number of cases dismissed by talking frankly with the District Attorney and showing him that a trial would result in acquittal. He has, in such cases,



dismissed the prosecution. In other cases we have been able to avoid delays and by having attorneys who are familiar with criminal procedure in court at all times the Court has been able to dispatch business much more rapidly. In the matter of expense the same condition to some extent prevails in the civil department of our work, where we relieve the courts of many contested cases by adjusting them without filing suit.

Civil matters continue to require about half of the time of the office force. Too much emphasis can not be put upon the importance of this department of our work. We have all heard people of limited means say that the courts are only for the wealthy. Thinking people have realized that a very large proportion of our citizens are regarding the courts in this light. When we consider that so many of our citizens are wage earners who have small legal difficulties and that it costs more to solve these difficulties than can be obtained by the remedy, it is not surprising that the opinion is so prevalent that the courts are only for the wealthy.

Our office does a great deal to help this condition by reducing the expense to a minimum. We are daily adjusting disputes between wage earners and employers and between others who are financially unable to employ attorneys. In most cases both sides are willing to trust the decision of the public defender.

As an example of what our office can accomplish I might cite the case of one E. R—, who was convicted of a misdemeanor in one of the courts in which we are not authorized to appear and sentenced to serve one hundred days in the county jail. His offense consisted in selling a ticket for a raffle on his watch, without a license. At the time of his arrest he was without funds and had been ill for some time, having lost his employment on that account. He had a wife who was dependent upon him for support, she being crippled and almost unable to walk. In desperation he took this means of raising funds and was promptly arrested. His wife was cared for by a friend who was not financially able to bear the expense. After R— had served about one month of his time the lady who had befriended his wife, being no longer able to support her, appealed to the district attorney in an effort to secure his release. The law did not make provision for the district attorney or the public defender or any other official to present the application for parole.

There being no other official to attend to this matter, Mr. W. J. Ford, Chief Deputy District Attorney, in the interest of justice, addressed to this office the following communication:

Los Angeles, April 30, 1914.

Mr. Walton J. Wood,  
Public Defender,  
Hall of Records.

Dear Sir:

We are frequently asked to grant parole to prisoners who are not represented by counsel, and as a consequence the paroles presented by this class of persons are seldom in accord with the rules and regulations of the Parole Commission.

We require that the prisoner make an application, setting forth the details of the crime, etc., according to the provisions of subdivision 3 of the document hereunto attached. We also require papers from the judge of the court, the arresting officer and, usually, from the prosecuting witness; and so far as this office individually is concerned we require a report from the sheriff or jailer concerning the prisoner's conduct while in jail.

I have referred the present application to the sheriff and asked him to indicate his approval by signing the parole before I would agree to sign same. Mr. Hammel is unwilling to do this unless we signify our desire to grant the parole. I am therefore referring the bearer to you in the hope that you may find it consistent with the duties of your office to grant the required aid to this lady.

As these paroles are applicable only to misdemeanor cases, it may be that you consider it technically outside the scope of your authority; but I know of no other office which can give the matter the same intelligent attention that it deserves, unless the applicant has means to employ an attorney, in which case of course I would not expect you to help them in the matter.

Yours very truly,

J. D. FREDERICKS, District Attorney,

By W. J. Ford, Chief Deputy.

We at once investigated the matter, and following the legal requirements in matters of this kind, we secured Mr. R—'s release. Once out of jail, however, he was in but little better condition than before—out of employment, without funds and with



a crippled wife. In addition to this his former landlady refused to allow him to return to the house which he had been renting and also refused to allow him to remove his personal effects, inasmuch as he was indebted to her in a small sum for room rent. He sought the help of David R. Faries, Assistant Public Defender, who made him a small loan, secured employment for him and took steps to release his personal effects from the landlady, who had no legal right to retain them, at the same time making arrangements with the landlady for her to receive the amount due. Shortly thereafter R— earned enough money to repay the loan to Mr. Faries and to settle his difficulties.

This case illustrates three things which our office is doing: First, we worked in co-operation with the district attorney's office; second, we performed a service which no other official could do; and third, we brought about redress in a civil matter in a case in which the party interested was entirely unable to do anything for himself.

Many magazines and newspapers throughout the country have commented on our work and in every case which has come to our attention the comments have been favorable. Notable among the magazines which have endorsed the work being undertaken by our office are *The World's Work*, May, 1914, and *The Outlook*, March 28, 1914.

In Los Angeles there are four departments of the Superior Court which are handling criminal cases. Two of these, presided over by Judges Willis and Craig, are devoted entirely to criminal cases, and two others, in which Judges Taft and Monroe preside, devote part of their time to the dispatch of criminal matters. I am appending hereto letters from these four judges, giving their views of the work we are doing. I am also enclosing a letter from the district attorney of Los Angeles County and letters from Judges Sidney N. Reeve and John W. Summerfield who have handled a number of civil matters which have come to our office and who are well informed concerning the civil side of our work.

All of the newspapers in Los Angeles have given support to the work of the public defender. The *RECORD* publishes a column in which citizens are often referred to this office for civil redress. The *EXAMINER* and The *HERALD* have given pub-



licity to our work and have shown their good-will in other ways. I am appending hereto excerpts from articles published in THE TIMES, THE TRIBUNE, THE EXPRESS and THE CALIFORNIA OUTLOOK.

The number of cases being handled by the office is steadily increasing. At the date of the publication of the first edition of this pamphlet, March 17, 1914, the average number of civil cases each day was between nineteen and twenty. In the month of May, with twenty-five working days, there were 627 matters, an average of twenty-five per work day. Between January 14th and May 31st, we handled one hundred and sixty criminal cases, of which forty-three came to us in the month of May.

Let me express the hope that the office of public defender will soon be created in New York and I know that the work of the office will be as satisfactory to the people of New York as it has been to the people of Los Angeles.

Yours very respectfully,

WALTON J. WOOD,

Public Defender.



OFFICE OF  
**THE PUBLIC DEFENDER**  
**LOS ANGELES COUNTY**

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Los Angeles, Cal., March 17, 1914.

A. C. Umbreit, Esq.,  
Chairman Committee on Public Defender,  
Railway Exchange Building, Milwaukee, Wis.

Dear Sir:—

In response to the request of the special committee of the Milwaukee Bar Association appointed to investigate the matter of the appointment of a public defender for Milwaukee I am enclosing a copy of the provisions of the charter of the county of Los Angeles prescribing the duties of the public defender.

While the legislature of the state has authority to create the office of public defender for all counties no action has been taken by the legislature up to the present time except to ratify the charter of Los Angeles County providing for the office. Under our constitution each county can form its own charter, which must be adopted by vote of the people and ratified by the legislature. During the last year the people of Los Angeles County adopted a charter providing for the appointment of a public defender and his deputies from the eligible civil service list. Pursuant to this charter provision I was appointed on January 6, 1914.

The work of the public defender is naturally divided into two classes, the criminal and civil. In criminal matters we defend every person accused of any offense in the Superior Court who is financially unable to employ an attorney, upon his request or upon order of the court. It is also our duty to prosecute

appeals in proper cases. No provision is made for our appearance in the police courts. Probably this is explained by the fact that the City of Los Angeles has its own charter providing for police courts. The city provides prosecutors for all cases involving violations of the law which amount only to misdemeanors, whether they are violations of city ordinances or of the state law. An amendment to the city charter would be necessary to provide for the appearance of the public defender in the police courts of the city. However, a voluntary public defender is now at work in the police courts. It seems to me that there is need for a public defender in every court where the government provides an attorney to prosecute.

When we bear in mind that in nearly every criminal prosecution in this state one citizen is arrested upon the complaint of another, and that the law provides an attorney to take the side of the complaining witness, it is astonishing that no provision has been heretofore made for a more effective method of bringing out the points in favor of the accused. It cannot be doubted but that the public demands convictions of the district attorney, demands that he prosecute vigorously, demands that he represent but one side. Indeed, the law itself prescribes the duties of the district attorney, provides that he must prosecute and must present the evidence against accused persons. No provision is made, however, for him to defend. The law has always recognized the right of the accused to be defended. If he has money he can employ his own counsel and conduct his own defense. If he has no money the court appoints an attorney for him. In a great majority of cases these appointments fall to inexperienced youths who seek the appointment for the purpose of gaining experience. In some cases more experienced attorneys are appointed, but they receive no remuneration for their work and it is hardly to be expected that they will give the work the same degree of diligence and care that should be given. In fact, experience has shown, and there is no reason whatever to doubt it, that a person accused of crime, under the old system, could not expect to get adequate representation. The government employs a skilled, experienced and ambitious attorney to present the case against the accused. The defendant has a right to enter the court on an equal footing with his adversary. Under the old system it was impossible for the defendant to get the equal protection of the law.



It has been contended by some that the district attorney himself can safeguard the interests of those who are unable to employ counsel. Doubtless more care is taken by prosecuting officers in cases against the indigent than in other cases, and very properly so. Both in theory and in practice, however, it is impossible for the prosecutor to represent both sides. Under the law it is his duty to prosecute; no provision is made for him to defend. If one officer could act for both sides there would be no need for either a prosecutor or a defender, for the judge could handle the matter alone. In practice the prosecutor cannot represent the accused, for long usage has so defined his duties that public opinion, the ultimate arbiter in popular government, demands a vigorous prosecution.

Prosecuting attorneys daily are pitted against able lawyers employed by accused persons of means. They necessarily become skillful, wary and vigorous in the conduct of the cases. It would not be natural to expect a sudden change from the habit thus formed upon the arraignment of an indigent defendant. In a decision rendered during the month of February last by the Supreme Court of this state the following language is used:

"The prosecutor improperly commented upon the action of the defendant in objecting, as he had an undoubted right to under the law, to his wife's testifying against him. It is to be regretted that prosecuting counsel, in the heat of contest and the desire for victory, sometimes forget that the function of a district attorney is largely judicial, and that he owes to the defendant as solemn duty of fairness as he is bound to give to the state full measure of earnestness and fervor in the performance of his official obligations.

"Again and again this court has commented upon the course of prosecutors in this regard, but instances of such conduct are all too common. We have no doubt that in the present case the prosecutor's demeanor and his improper questions deprived the defendant of that fair trial which ought to have been his under the law. For this reason he should not be subjected to the result of a verdict so induced."

Truly in such a case, if the defendant had been unable to employ counsel, justice would demand that a competent attorney safeguard his interests.

As an example of the work which the public defender can do, I might cite the case of Fred Lacy. This man had pleaded

guilty in the Superior Court at San Jose of the crime of forgery and was released on probation by the judge, who knew that there was a charge pending against him for a similar offense in Los Angeles County. The San Jose judge released the man in view of both of these charges, but, under the law, he could not free him from the charge in Los Angeles County and was compelled to turn him over to the Los Angeles officer. Lacy was brought to Los Angeles seriously afflicted with tuberculosis. Life at the county jail was fast tearing him down, yet it seemed that he would be in jail from one to two months before his case could be disposed of. He learned of my appointment, through a turn-key at the jail, and his was one of the first cases that I handled. Upon his telling me the facts I went to the district attorney's office and the district attorney very promptly took steps to have the charge against him dismissed. Lacy was in great need of hospital treatment and we helped him to get into a hospital. Probably a month or two in jail would have been so injurious that he could not have recovered.

Most of the accused persons are afraid to talk freely with the district attorney. In many cases their troubles can be adjusted, or investigation will show that they should be charged with lesser offenses to which they would be willing to plead guilty. [The public defender can hear their stories and try to bring out justice for all.]

I have found the district attorney and his deputies all very willing to co-operate with the public defender in his work. Both officers should remember that we are the servants of all the people, that both want to bring about the same result, the fair administration of the law. While the law imposes upon the district attorney the duty of presenting the evidence against the accused person, and upon the public defender the duty of presenting the evidence in his favor, the law does not ask the district attorney to convict an innocent person, nor does it ask the public defender to acquit a guilty person. Both can present their respective sides in the most intelligent and fair manner. It is then a question for the jury and the court to decide.

Often a defendant in a criminal case is willing to plead guilty, when in fact he has committed no crime or is mentally irresponsible. The plea of guilty involves questions of law as well as fact, but the accused does not realize this. In one case in which I defended a man accused of murder he admitted killing



his opponent and through ignorance was willing to enter a plea of guilty. There would be danger that an attorney might allow the plea to be entered and thus save himself labor. Upon investigation, however, it was shown that the man had killed in self-defense and was acquitted. In some cases the defendants are insane, yet their insanity is not apparent except upon investigation. In the short time I have been in office two persons accused of crime have been declared insane and sent to state institutions. In both cases the accused had committed the acts of which they were charged.

Cases have been brought to my attention where certain lawyers have hung about the jails offering their services to men accused of crime and who were unable to send for the attorneys they really wanted to employ. Some of these attorneys have taken the few cents that the accused might have upon his person at the time of his arrest, then, after taking over the case, have advised the defendant to plead guilty. I heard of one case where the attorney seeking employment obtained a promissory note from the defendant for a large sum of money. He then advised the defendant to plead guilty with the hope of getting released on probation. This was done, but upon the defendant's being allowed to leave jail he was hounded by the attorney who held the promissory note alleged to be due for services which were never in fact rendered.

One of the most important things the public defender can do is to give advice to the poor concerning their rights, to be always ready to be at their call so that they may know there is an officer with whom they can talk freely.

Many a man accused of crime does not know that the law allows him ample time to make a defense, that he cannot be held indefinitely without a charge being filed against him and that the state must prove certain well defined things in order to make out the crime of vagrancy. Many innocent men plead guilty because some official offers them the minimum fine.

Even when the accused pleads guilty and asks for probation, the public defender can be of great assistance. As an example I might cite the case of People vs. Harris and McCormick, two men who were arrested in Pomona for burglary in the early part of January. I was called upon to defend these men and both pleaded guilty. It was ascertained, however, that they were nearly starved at the time they committed the offense; that they



had gone from house to house seeking employment and asking for food. They asserted that they entered the house for the purpose of stealing something to eat. I investigated to find if their stories were true when they told of seeking employment and food. I wrote letters to the people whose names they gave me as having provided work or food for them and I found in each case that these men were telling the truth, that they had in fact diligently tried to get something to do. The result was that one of the men was given a much shorter sentence than he otherwise would have received and the other one was released on probation. It is entirely probable that if the court had appointed some attorney who happened to be in court at the time these men were arraigned, no effort would have been made to investigate their stories to show if indeed they were entitled to consideration on account of the fact that they were pressed for something to do, were unable to find work and were indeed in want.

Probably the class of cases that calls for the services of the public defender most is that class where it is necessary to do some investigating to verify the stories of the accused and to find witnesses in their behalf. Often a defendant, upon asserting his innocence, will give the names of witnesses who might testify to facts tending to substantiate his contention. If no means are provided for making investigation or for examining witnesses for him, and if the attorney appointed by the court and working without pay does not care to do this work, the accused will be left without proper representation and all the facts will not be brought to the attention of the jury.

In the issue of *The Outlook* of January 24, 1914, there is an article on "The Schwitofsky Case." The editor, after citing two cases in which men were unjustly convicted without a proper defense, quotes with approval Mr. Samuel Untermyer, who had long ago suggested that there should be a public defender.

Too often criminal prosecutions are commenced by people actuated by malice. They impose upon the district attorney or the justice of the peace in having warrants issued. The complaining witness often slights the most important points, the points that tell most favorably for the accused. The result is that the warrant is issued and the powerful forces of the government are put into operation against some indigent person. The

government surely should provide some method for the man without means to bring his side of the story before the court.

I am happy to state that thus far nearly every person accused of crime in the Superior Court, upon being arraigned, has called for the services of the public defender when informed that such an officer was available. This speaks eloquently of the need of such an official. During the period from January 7th to March 13th, inclusive, our office appeared in sixty-four cases in which the defendants were accused of felonies.

### **CIVIL CASES.**

Hardly less in importance is the civil side of our work. The number of calls for our assistance in civil matters has certainly been surprising. An average of nearly twenty cases a day have come to the office since its creation. While the charter provides that we shall take claims not over one hundred dollars for poor people, we find that we are asked for advice on nearly every branch of the law. Domestic troubles seem to cause a great deal of unhappiness and many people who are in domestic difficulties are entirely unable to gain the advice of someone conversant with the law. While the law does not prescribe that we shall do anything whatever with these matters, we find that, with the exercise of discretion, we can give advice in many cases where the worthy poor are entitled to it. In fact, our office has been turned into what might be called a legal county hospital. We are trying to remember that we are working for the less fortunate of humanity.

The costs of securing redress through a paid attorney would, in many cases, be greater than the result would be worth. This condition runs through nearly all of the cases we handle. We find that a letter to the opposite party will, in a majority of cases, bring results and enable us to adjust disputes. Both parties, in many cases, would necessarily lose if a suit were filed and each side had to pay a lawyer, for the amount involved would be insufficient to justify the expense. Our office tries to look at both sides in each claim and to tell the parties what are their rights. In case of an honest dispute, if we think the party asking for our advice has an enforceable demand we are ready to take the case into court. We much prefer to adjust matters out of court and find that even a telephone call will often bring about the desired result.



We have tried to so conduct our office that it shall not be an instrument of injustice, even though at times parties have a strictly legal redress. One young man wanted us to sue a cigar dealer who had offered to pay about half of the claim, but insisted that the plaintiff had shaken dice for the other half and was in his debt. Both parties admitted this condition, but the plaintiff asserted that the gambling debt was not a legal set-off. We informed him that we would not sue for any sum except what was morally due.

Wage claims are the most important of those that are presented to our office. A number of men have asked our services when they have not had even the price of a meal, to say nothing of funds with which to pay the costs of filing a suit or employing a lawyer. Argument is not necessary to convince that there is a great demand for a free legal bureau to aid men such as these and it is one of the most pleasant parts of our task to try to do something to aid this class of litigants. Our office holds that as a rule a man having a claim for labor under one hundred dollars is not financially able to employ an attorney to collect it. The office indeed was given its civil jurisdiction with the main object in view of securing these small labor claims for people without adequate means to enforce their payment. These small claims for wages are generally more important to the poor than large sums to the wealthy. We have found that the employers in nearly every case are anxious to settle when the public defender takes up the claim for the employe.

I have been agreeably surprised to know that very few people have tried to impose upon the office. Nearly every person who has come for our assistance in civil matters has had a just claim and has been really unable to employ an attorney. Of the few who have come when they were able to employ an attorney the greater part were sent by other officers who were not thoroughly informed of the charter provisions creating our office.

The law gives the laborer the right to file a lien for work performed in the course of the construction of a building. This lien at least clouds the title of the landlord and is a drastic procedure. We have made a practice of informing the owner of the building of the request of the laborer that we file the lien, in the hope that such a drastic remedy can be avoided. In fact, we have found that a courteous letter written to the defendant in most cases avoids the necessity of an action in court.



It is a prevalent opinion among many of the working people of this country that the courts are only for the wealthy. In a limited measure this is true, for hundreds of cases come up in every large city where poor people are compelled to forego their rights for the simple reason that the expense of enforcing their rights is too heavy a burden. Our office is one of the most efficacious means for obtaining justice for the poor man and of making the courts truly the courts of all the citizens.

The expense of operating the office cannot be considered as heavy in view of the amount of work accomplished. There are now in the office of the public defender of this county four lawyers and two assistants. The total monthly expense is less than one thousand dollars. When we consider that there are about three-quarters of a million people in Los Angeles County and that the county is one of the richest in the Union, it cannot be considered that the expense is great enough to be a serious objection to the creation of the office.

Much interest has been aroused throughout the country by the creation of this office in Los Angeles. Bar associations, judges and prominent attorneys from nearly every large city in the United States have written for information on the subject and a number of the leading magazines are giving publicity to the work. In almost every instance the comment has been favorable. In Portland, Oregon, the Bar Association has taken up the question vigorously and has appointed various members of the association to take their turn in acting as volunteer public defender. The lawyers of Houston, Texas, are doing the same thing and leading officials of that state are preparing to present a bill to the legislature for the creation of the office.

In Los Angeles we have met with the good-will of the entire community and our work is being aided wherever possible. The judges frequently send for us to investigate cases or to take up matters that cannot be handled by other officials.

I am enclosing a letter just written by Judge Gavin W. Craig, who is presiding in one of the criminal departments of our court and before whom we have tried most of our cases:

Yours very respectfully,

WALTON J. WOOD

Public Defender.

OFFICE OF  
**The District Attorney**  
LOS ANGELES COUNTY,

---

Los Angeles, Cal., June 5, 1914.

Walton J. Wood, Esq.,  
Public Defender of Los Angeles County,  
Hall of Records, City.

Dear Sir:—

When the office of Public defender was first discussed, I am frank to say the idea did not appeal to me; I feared the employment in that office of some young attorney whose ambition would get the better of his judgment; it also seemed illogical, in that the public was employing an officer to prosecute only meritorious cases and it was his duty to dismiss or fail to prosecute those he did not consider worthy of prosecution. The expense of the matter, also, seemed to be unjustifiable.

I state these matters frankly because I wish you to know that since you have been actually running the office of public defender I have experienced a very different state of affairs than I apprehended. I still feel that the office is one requiring the greatest care in the selection of its head, and am frank to say that the county should be congratulated upon your selection. You have put the office on a very high plane, and I am thoroughly satisfied that there is a place in our criminal jurisprudence for such an office and that the office under your management is filling that place properly.

You are performing a duty which this office has attempted to perform in safeguarding the rights of the defendant; but I believe under the circumstances your position gives you a better opportunity to perform that duty than the Prosecutor has.

Very sincerely yours,

[Signed] J. D. FREDERICKS,  
District Attorney.

CHAMBERS OF DEPARTMENT EIGHTEEN

**The Superior Court**

LOS ANGELES, CALIFORNIA

Gavin W. Craig, Judge

---

March 23, 1914.

A. C. Umbreit, Esq.,  
Milwaukee, Wis.

Dear Sir:—

Your letter of March 13th, addressed to Walton J. Wood, has been referred by him to me, with the request that I answer it.

The trial which has thus far been given of the idea of having a Public Defender has been satisfactory. It is my belief that it will be an established office, as much so as that of a prosecuting attorney; and that it tends to the securing of a proper and just administration of the law, by, and in some cases at least, securing for defendants a more able defense than they would otherwise have; on the other hand, protecting the public from the use of methods which are sometimes questionable on the part of private defenders.

Very truly yours,

[Signed] GAVIN W. CRAIG.



CHAMBERS OF DEPARTMENT SEVENTEEN

**The Superior Court**

LOS ANGELES, CALIFORNIA

Frank R. Willis, Judge

---

June 2, 1914.

W. J. Wood, Esq.,  
Public Defender,  
Hall of Records, City.

Dear Sir :

In reply to your inquiry as to the efficiency of and necessity for a Public Defender in this county, I beg to state that the work of you and your representatives in the criminal department of the court has been of an eminently satisfactory character.

I find that instead of the ordinary method of defendants' attorneys in trying to secure an acquittal by any or all kinds of means, legitimate or otherwise, the Public Defender has uniformly endeavored to present the facts of each case thoroughly to the jury, and tried to secure only such a verdict as the facts of the case would warrant.

It has been a great saving to the county in the matter of expense and has usually been productive of a more fair and impartial administration of justice than the method formerly employed of appointing attorneys unfamiliar with criminal law to represent the defendants' interests.

I am well satisfied with the efficiency of the office and of the necessity for its continuance as a matter of economy and justice.

Very truly yours,

(Signed) FRANK R. WILLIS.

CHAMBERS OF DEPARTMENT SIX

**The Superior Court**

LOS ANGELES, CALIFORNIA

Charles Monroe, Judge

---

June 4, 1914.

To the Hon. Board of Supervisors of Los Angeles County:

Gentlemen:

I understand that you have authorized the issuance of a pamphlet in relation to the office of the Public Defender, explaining its workings and its benefits.

I have no personal knowledge of it, except as I come in contact with that officer and his deputies in connection with criminal prosecutions against men for failing to provide for their wives and children, and in that connection the office of the Public Defender is invaluable to the proper handling of those cases; and the deputy who appears here, Mr. William T. Aggeler, is remarkably well qualified and efficient for that purpose, as I understand he is in defending criminal cases.

Prior to the creation of the office of Public Defender the court was required, in many instances, to appoint lawyers, and it was not satisfactory. The work was not always well done, but now I am always satisfied that the defendant will be well taken care of. That office handles the matters in such a way that they do not confine themselves merely to defending the men, but they arrange settlements and payments, and fix up so that the men are willing to support their children. The whole attitude of the office, so far as this department is concerned, is endeavoring to avoid litigation instead of fostering it.

I am very glad indeed to say this on behalf of the office of the Public Defender.

Very respectfully,

CHAS. MONROE.

CHAMBERS OF DEPARTMENT EIGHT

**The Superior Court**

(JUVENILE COURT)

LOS ANGELES, CALIFORNIA

Fred H. Taft, Judge

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June 1, 1914.

Walton J. Wood, Esq., Public Defender,  
Los Angeles, Cal.

My dear Sir:

Replying to your request for an expression of opinion concerning the office of public defender which you hold, as gathered from my observations and general knowledge of the subject, I beg leave to say:

The occasional appearance that your office has made in the juvenile department of my court has been timely and helpful. In short, the purpose and spirit of your appearance in this department seems to me thoroughly to typify the principle upon which your office was created, namely, to provide the unfortunate with a proper representation so that justice to all concerned should be done.

In the juvenile department the friends of those brought in for consideration, as a rule, vie with the officers of the court in aiding to bring out all the facts connected with the respective cases, and your office has in such cases as it has become interested in, assisted to this end.

In the field outside the juvenile court it has for a long time seemed to me there was work for such an officer as is provided by the charter under title of "Public Defender." I am inclined to believe the short experience already had with the office proves it, and that the future will confirm the theory that such an officer has quite as much utility in the civil courts as in the criminal, and that in both he may be an important factor in subserving justice.

Very truly yours,

(Signed) FRED H. TAFT.



DEPARTMENT ONE  
**Justice's Court of Los Angeles Township**  
Sidney N. Reeve, Justice

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Los Angeles, Cal., June 4th, 1914.

Hon. Walton J. Wood,  
Public Defender,  
Hall of Records, City.

Dear Sir:

During the time I have held the office of Justice of the Peace of Los Angeles Township I have on many occasions observed where people who were in unfortunate circumstances were being harassed by unscrupulous attorneys and collection agencies, and, up to the time of the institution of your office, was at a loss just what to do where the case was meritorious. I had previously arranged with a number of attorneys to handle these cases free of charge.

Since the institution of your office I have referred all the above class of people to you, and in every instance they have been assisted out of their difficulties through the efforts of yourself and assistants. This saves the Court a great deal of time that formerly was lost by having to listen in detail to these stories and also investigating the records as to the condition of the various suits, and explaining to the people their rights and the remedies that must necessarily be followed in order to gain them.

I believe that your office should be given additional powers, namely, in criminal matters. In many instances a person charged with the commission of a public offense could be materially assisted by your office if you appeared at the time of the preliminary examination.

From what I have seen I believe that your office is filling a long felt want, and should be encouraged not only by the courts but by the officers of the county and by the public in general.

Yours very truly,

(Signed) SIDNEY N. REEVE.

DEPARTMENT TWO  
**Justice's Court of Los Angeles Township**  
J. W. Summerfield, Justice

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Hon. W. J. Wood,  
Public Defender,  
Los Angeles, California.

Dear Sir:

I desire to express to you my appreciation of the good offices of the public defender. The County of Los Angeles is to be congratulated upon the establishment of this office, and it is with a great deal of satisfaction that I am able to corroborate the many expressions I have heard among the general public in relation to the work of this office, which is proving eminently satisfactory to the people as well as to the litigants who are unable to employ the services of an attorney, considering the volume of work handled, the manner in which it is dispatched and the results obtained thereby are indeed a splendid recommendation.

It has been my observation, during the past eight years I have presided over the matters in this Department of the Township Court, that litigants have been unable to press their claims, especially with reference to claims for personal services, because they were unable to employ counsel. Your office has done much good in this respect. The office of the Public Defender is also open to assist those who have a meritorious defense to an action brought against them, but who are also unable to employ counsel, which is a feature to be commended. The fact that a large percentage of criminal actions prosecuted in our courts wherein the defendant is absolutely without means, a defense is guaranteed to him through the office of the Public Defender; and his case may be fairly and fully tried, and his rights amply protected through this office, which has not heretofore been accorded them.

I am, indeed, much pleased to observe the good that this office has done to all classes of litigants; and the assistance it has rendered to the courts is very noticeable; and I wish to compliment you upon the efficient and thorough manner in which you have administered the duties of this office and trust that as the volume of business increases, which must necessarily be the case with our ever increasing population, you will be provided with competent and necessary assistance in order that the functions of this office may be carried out in the same efficient manner as is done at the present time.

Very respectfully yours,

(Signed) J. W. SUMMERFIELD.



# COMMENTS OF THE PRESS OF LOS ANGELES

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(FROM LOS ANGELES DAILY TIMES)

## “JUSTICE GIVEN TO THE POOR—OFFICE OF PUBLIC DEFENDER MARKED SUCCESS—DAY OF TIN-HORN LAWYER IS RAPIDLY PASSING

“Five months of paid public defense have brought nearly 3000 cases to the Public Defender, of which only 135 were criminal cases. The people prosecuted and the people defended these felony cases—a situation unique and based upon elemental justice.

“The Public Defender is no longer an experiment. The office is an established success, and while here in Los Angeles, where it was started, it is jocularly called the Legal County Hospital, the movement is spreading across the continent.

“The need of the office has long existed, but not until this year was that need answered by the inauguration of a service that blasts the theory that the courts are only for the rich.

“The office of Public Defender has shown itself to be the enemy of the two-by-four attorney and the grasping loan shark. It has actually been a boon to many poor persons who were oppressed, and under the guidance of Walton J. Wood, the head of the office, not a single instance has arisen where the services of the Public Defender have been imposed upon.

### Office Is Logical

“Nearly every criminal prosecution is based upon the complaint of one citizen against the other. The prosecutor, after listening to the complaint of First Citizen, has Second Citizen arrested and then does everything he can to bring about a conviction, at the same time being fair to both. The people pay for the prosecution, and why should not the people pay for the defense, providing the accused is unable financially to pay for an attorney? Society demands that its debts be paid, but society is neither a taskmaster nor a usurer.

"Of course, the court may appoint an attorney to defend a prisoner who has no money. But the appointed counsel usually is a young man without experience, or, sometimes, an experienced attorney without time to do the defense full justice. Attorneys can work much harder for a client when the money is in sight or in hand.

"The civil business conducted by the Public Defender is naturally the larger part. Of 3000 cases handled in five months all but 135 were civil. If a matter can be settled out of court, it is so much the better. If not a complaint is filed. All the complainant is required to do is to pay the filing fee.

### Indigents Aided

"Mostly the supplicants who fill the office of the Public Defender are indigent. Their claims are petty. No matter what the complaint, there is always a reception for them and careful attention to their cases.

"The Public Defender does not discourage pleas of guilty, unless his client is insane, nor does he resort to tricky or unfair methods to conceal a crime. Actually, he co-operates with the District Attorney, and the prosecution of an indigent prisoner, as well as the defense, is immensely fair.

### How It Works

"The Public Defender came in contact with a woman whose husband sued her for divorce. She asked him to defend her case. The Public Defender agreed, but wanted \$3 from her with which to pay a fee for filing an answer. She did not have the money and the office funds do not provide the expense. Wood telephoned the husband's lawyer and the spirit of the public defense impelled the attorney to accept the challenge. Out of the complaining husband's fee he paid \$3 for the defendant wife's answer.

"Jailers, turnkeys and others send cases to the Public Defender, and the day of the attorney who preys upon prisoners is passing.

"Chief among the purposes of the office is to acquaint the poor with their rights. Often they are imposed upon in their



ignorance, but the Public Defender sees to it that any man, in jail or out, gets free information on his rights among his fellow-men."

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### (FROM THE TRIBUNE)

"Los Angeles county now has an official who is designated 'public defender.' This is not an entirely novel idea and yet it is an innovation here and an outgrowth of the new and humane trend of our broader social life. The public employment of an official, whose duty it shall be to represent persons financially unable to secure legal representation in criminal actions or in civil suits, is made the more necessary from the fact that the real province of the public prosecutor has been misunderstood and his activities have been diverted from the original and true theory of the law.

"The true province of a district attorney is not primarily to secure the conviction of a prisoner at bar. He is, in the original and true theory of the law, a minister of justice charged with the duty of assisting the trial judge and the jury to administer even justice in the case on trial, whether it shall result in acquittal or conviction.

"In practice, and in the general popular view, a district attorney must be a terror to evil doers and therefore a sleuthhound of the law with a thirst for vengeance against all charged with crime. He is in most communities adjudged a success, as he secures conviction, regardless of the humanities of the case.

"There is need of a public defender, that the poor may have even justice in our criminal courts and a representative in actions for wages and the like. The comparatively limited equipment of the office makes it still needful that justice rather than conviction be the key-note of all criminal prosecutions."

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### (FROM THE EXPRESS)

"It is exactly as much the duty of the state to spend its money to protect the innocent as it is its duty to spend its money to punish the guilty. The office representing the state, in the one instance, should be as fully equipped for the discharge of its duty as is the no more important office representing the opposing side of the state's activities."

## (FROM THE CALIFORNIA OUTLOOK)

"It is interesting to note that, almost without exception, those litigants who were offered the alternative of an attorney to be assigned by the court expressed a preference for the services of the public defender. The need for such an official is thus incontestably demonstrated.

"The public prosecutor, it is true, in the highest conception of the office is bound to attempt to reach the truth as to the guilt or innocence of each defendant whom he prosecutes. But conditions that have grown up require vigorous prosecutions, and the aphorism that 'no man can serve two masters' is just as applicable to this duty as to any other. The solution then is for the prosecuting attorney and the public defender to work harmoniously together with the sole object of promoting justice. But the criminal side is likely to be a comparatively unimportant part of the work of the public defender's office. On the civil side his clients are to be those who are persecuted or harassed or imposed upon and who are unable to help themselves. In such cases he is answering the call of humanity. And Los Angeles County is entitled to a feeling of honest pride for having made this provision for the needs of the least fortunate of its citizens. The incumbent has a high conception of his duties, and already the office has justified its existence."





## PROVISIONS OF COUNTY CHARTER

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Sec. 23. Upon request by the defendant or upon order of the court, the Public Defender shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of any contempt, misdemeanor, felony or other offense. He shall also, upon request, give counsel and advice to such persons, in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in the reversal or modification of the judgment of conviction.

He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed \$100, and in which, in the judgment of the Public Defender, the claims urged are valid and enforceable in the courts.

He shall also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

The costs in all actions in which the Public Defender shall appear under this section, whether for plaintiffs or for defendants, shall be paid out of the County Treasury, at the times and in the manner required by law, or by rules of court, and under a system of demand, audit and payment which shall be prescribed by the Board of Supervisors. It shall be the duty of the Public Defender, in all such litigation, to procure, if possible, in addition to general judgments in favor of the persons whom he shall represent therein, judgments for costs and attorney's fees, where permissible, against the opponents of such persons, and collect and pay the same into the County Treasurer.





Gaylord Bros.  
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PAT. JAN. 21, 1908

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